

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

RAYMOND ERIC ZAHLER,  
Plaintiff,  
vs.  
MICHAEL MCCARTHY, et al.,  
Defendants.

NO. CV-09-135-JPH

ORDER DENYING MOTION FOR  
RECONSIDERATION AS MOOT

BEFORE THE COURT is Plaintiff's Motion for Reconsideration of the Order closing his case (Ct. Rec. 19). This case was closed in error on July 2, 2009 (Ct. Recs. 14 and 15). It was, however, re-opened by Order dated July 7, 2009 (Ct. Rec. 16), and applicable deadlines were reinstated. Plaintiff has since filed a First Amended Complaint (Ct. Rec. 17), which will be reviewed separately for legal sufficiency.

The Honorable Edward F. Shea has subsequently adopted the Report and Recommendation to deny Mr. Zahler's Motions for Temporary Restraining Order and for Leave to Proceed *in forma pauperis* (Ct. Rec. 18). Mr. Zahler's Motion for Reconsideration is not dispositive of this case. Because the remedy he seeks has already been given to him, **IT IS ORDERED** the Motion for Reconsideration (Ct. Rec. 19) is **DENIED as moot.**

**IT IS SO ORDERED.** The District Court Executive is directed to  
ORDER DENYING MOTION FOR RECONSIDERATION AS MOOT -- 1

1 enter this Order and forward a copy to Petitioner.

2 **DATED** this 20<sup>th</sup> day of August 2009.

3 S/ James P. Hutton

4 JAMES P. HUTTON

5 UNITED STATES MAGISTRATE JUDGE  
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